

Simon Haysom LLC
One Railroad Avenue
Goshen, New York 10924
(845) 294-3596

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: Sept. 23, 2014
Hearing Time: 9:15 a.m.

-----X
In re

Case No. 14-35210

Diana Diaz

Chapter 13

Debtor.

NOTICE OF MOTION

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NOTICE OF HEARING

PLEASE TAKE NOTICE, That, pursuant to 11 U.S.C. § 330 and 503(a), the firm of SIMON HAYSOM, LLC, debtor-counsel, will move this court for an order approving debtor's counsel's fee application dated August 7, 2014, at a hearing before the Honorable Chief Judge Cecelia G. Morris, Chief United States Bankruptcy Judge at the Courthouse, 355 Main Street, Poughkeepsie, New York 12601, on September 23, 2014 at 9:15 a.m.

/s/ Simon Haysom

Dated: Goshen, New York
August 7, 2014

Simon D. Haysom
Simon Haysom, LLC
Attorneys for the Debtors
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JEFFREY SAPIR, ESQ.
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US TRUSTEE
ATTN: ERIC SMALL, ESQ.
74 CHAPEL STREET
ALBANY, NY 12207

DIANA DIAZ
69 OLDE WAGON RD.
WARWICK, NY 10990

DEUTSCHE BANK NATINAL TRUST COMPANY
CARRINGTON MORTGAGE SERVICES LLC
1610 SAINT ANDREW PLACE
SANTA ANA, CA 92705

HOMESTEAD VILLAGE HOMEOWNER ASSOCIATION
C/O THE LAGUMINA LAW FIRM PLLC
2500 WESTCHESTER AVENUE
PURCHASE, NEW YORK 10577

ASSET ACCEPTANCE LLC
POB 2036
WARREN, MI 48090

AMERICAN INFOSOURCE LP FOR
MIDLAND FUNDING
POB 268941
OKLAHOMA CITY, OK 73126-8941

WELLS FARGO BANK NA
POB 10438
DES MOINES IA 50306-0438

CERASITES, LLC
C/O WEINSTEIN, PINSON AND RILEY
2001 WESTERN AVE. STE 400
SEATTLE, WA 98121

PREMIER BANKCARD/CHARTER
THE HOME DEPOT
POB 12914
NORFOLK, VA 23541

PORTFOLIO RECOVERY ASSOC
VICTORIA'S SECRET
POB 12914
NORFOLK VA 23541

CALVALRY SPV LLC
500 SUMMIT LAKE DRIVE
VALHALA, NY 10595

CITIBANK NA
701 E. 60TH STREET NORTH
SIOUX FALLS, SD 57117

PORTFOLIO RECOVERY
CAPITAL ONE
POB 12914
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LVNV FUNDING FOR
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PO BOX 10587
GREENVILLE, SC 29603-0587

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**APPLICATION FOR ALLOWANCE OF ADDITIONAL COMPENSATION TO ATTORNEY
FOR DEBTOR UNDER 11 U.S.C. §§ 330,331 AND 503 (A) AND RULE 2016 (a) OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE.**

Simon Haysom LLC (the “Firm”) attorney for Chapter 13 debtor Diana Diaz (the Debtor(s)), now makes this application for post-petition compensation (the “Application”) pursuant to 11 U.S.C. §§ 330, 331, 503 and F.R.B.P. 2016 (a) and Local Bankruptcy Rule 2016-1 and respectfully represents as follows:

GENERAL BACKGROUND

1. On February 4, 2014, the Debtor filed a voluntary petition with this Court under Chapter 13 of the Bankruptcy Code.
2. As reflected in a filed Bankruptcy Rule 2016 (b) disclosure statement, the Firm received a pre-petition retainer for this case of \$3,550.00 against an agreed fee for basic Chapter 13 case services,. The retainer agreement does not include representation in a § 506 motion, or representation in a Trustee Motion to Dismiss. (Exhibit A, 2016 (b) statement).

APPLICATION FOR FEES

3. This application is made by SIMON HAYSOM, LLC, debtor's counsel for an allowance of additional compensation for professional services rendered to and on behalf of the Debtor(s) in connection with (1) a § 506 motion, (2) a Trustee Motion to Dismiss and (3) an amended schedule filing expense.
4. The Firm regularly maintains records of time expended in the rendition of legal services and the costs and expenses incurred. The entries in such records were made in the ordinary course of the Firm's business, concurrently with the rendition of such services and the incurring of such costs and expenses. An accounting summary of these records is annexed hereto as (Exhibit "B".)

SUMMARY OF PROFESSIONAL SERVICES RENDERED

(1) MOTION TO RECLASSIFY JUNIOR MORTGAGE OF CARRINGTON MORTGAGE SERVICES, LLC

This involved the preparation, filing and service of a motion to reclassify the above mentioned junior mortgage held by Carrington Mortgage Services, LLC as an unsecured debt pursuant to 11 U.S.C. § 506(a). That representation also included a court hearing. This motion was successful and the junior mortgage was reclassified to an unsecured status.

(2) REPRESENTATION IN TRUSTEE MOTION TO DISMISS

The Firm also represented the debtor in a Motion to Dismiss brought on by the Trustee in this matter. This representation required review of the motion, telephone and email contact with the debtor as well as a court hearing where the matter was concluded.

(3) AMENDED SCHEDULE

Debtor disclosed, subsequent to filing that she had become aware of a post-petition creditor (homeowner association) and the firm incurred an additional post-petition out – of-pocket expense upon the filing of the amended schedule. No time was charged.

	TIME	RATE	AMOUNT
ATTORNEY	3.1	\$300	\$931.00
PARALEGAL	2.55	\$100	\$255
EXPENSES		Filing Fee	30.00
TOTAL			\$1,216.00

CONCLUSION

5. The Firm has expended 3.1 hours of attorney time , and 2.55 hours of paralegal time from April 10, 2014 to July 29, 2014 in rendition of its services to the Debtor.
6. The number of hours expended was kept to the minimum necessary to execute the above functions. Extraneous time, which might have been incurred has been excised. The following is a brief description of the experience and background of the filer's attorney:

Mr. Haysom has been practicing law in excess of 20 years, specializing in debtor/creditor law, bankruptcy law, and consumer law as a debtor's attorney.

Mr. Haysom earned his B.S. degree and his L.L.B. at the University of Natal in South Africa, and his L.L.M. at New York University School of Law. He has previous lecturing experience with National Business Institute and has given lunch time seminars with the Hudson Valley Bankruptcy Bar Association. Mr. Haysom is a member of the Hudson Valley Bankruptcy Bar Association (former president), the Orange County Bar Association (Bankruptcy Committee), Goshen Bar Association, New York State Bar Association and the American Bankruptcy Institute.

7. Travel time and expenses are always charged on a shared cost basis with other clients.
8. The Firm's standard time charge for the period of this representation was THREE HUNDRED DOLLARS (\$300.00) per hour for senior attorney time; and ONE HUNDRED DOLLARS (\$100.00) per hour for paralegal time.
9. Utilizing these standard time charges, the Firm seeks reimbursement for services rendered, including 3.1 hours at \$300.00 per hour (\$930.00) hours for attorney time 2.55 hours, at \$100.00 per hour for paralegal (\$255.00) and expenses (\$30.00) all totaling the sum of \$1,215.00.
10. Total fees for these legal services are outlined in an invoice attached hereto as Exhibit B. based upon time records.
11. All services for which compensation is requested were performed on behalf of the Debtor(s) and no previous application has been made therefore to this Court for

compensation, and there has been no fee sharing. It is also submitted that the above services were necessary and reasonable.

EXPENSES

12. The Firm has entered a filing fee charge of \$30.00 for expenses in this application for the filing of an amended Schedule D necessary to add a homeowner association creditor. No other expenses have been charged.
13. The Debtor has been served with a copy of this Application.
14. The firm respectfully requests that the Court enter an Order under 11 U.S.C. §§330, 331 and 503, (1) allowing compensation for the Filer's post-petition fees in the amount of \$ 1,216.00 (2) authorizing and directing payment of such allowance by the Trustee, and (3) granting such other and further relief as the Court deems just and proper.

/s/ Simon Haysom

Dated: Goshen, New York
August 7, 2014

Simon Haysom (SH3078)
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